

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION**

GAYL WEINMANN, Individually
and for Others Similarly Situated

Plaintiff,

vs.

CONTRACT LAND STAFF, LLC

Defendant.

CASE NO. 2:22-CV-1140-CCW

Collective Action (29 U.S.C. § 216(b))

Class Action (Fed. R. Civ. P. 23)

DEFENDANT CONTRACT LAND STAFF, LLC'S PARTIAL MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Contract Land Staff, LLC (“CLS”) moves this Court for an order dismissing with prejudice Plaintiff Gayl Weinmann’s (“Plaintiff”) claim under the Illinois Wage Payment and Collection Act (“IWPCA”), which was asserted by Plaintiff for the first time in her First Amended Collective & Class Action Complaint (the “FAC”). Upon dismissal of Plaintiff’s IWPCA claim, the Court should reinforce its November 29, 2022 Order striking Plaintiff’s proposed class of Right-of-Way Agents who worked in Illinois in the last ten years (the “IL Class”) as overbroad in temporal scope, thereby limiting the IL Class to a three-year period consistent with the statute of limitations period for Plaintiff’s remaining claim under the Illinois Minimum Wage Law. The grounds upon which the Court should dismiss Plaintiff’s IWPCA claim are stated more fully in the accompanying memorandum of law, which is incorporated by reference.

WHEREFORE, for the reasons set forth in the accompanying memorandum of law, Defendant Contract Land Staff, LLC respectfully requests that the Court enter an order dismissing

Plaintiff's claim under the Illinois Wage Payment and Collection Act with prejudice and grant such further relief as the Court deems just and proper.

Date: December 27, 2022

Respectfully submitted,

/s/ Meghaan C. Madriz

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has served on all counsel of record in accordance with the Federal Rules of Civil Procedure using the ECF system on this 27th day of December 2022.

/s/ Meghaan C. Madriz

Meghaan C. Madriz